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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

SELINA KEENE, MELODY FOUNTILA, MARK) Case No.: 4:22-cv-01587-JSW
MCCLURE.)

Plaintiffs,

V.

CITY AND COUNTY OF SAN FRANCISCO; LONDON BREED, Mayor of San Francisco in her official capacity; CAROL ISEN Human Resources Director, City and County of San Francisco, in her official capacity; DOES 1-100.

Defendants.

)
) DECLARATION OF RUSSELL DAVIS
) IN REPLY TO DEFENDANTS'
) OPPOSITION TO MOTION FOR
) PRELIMINARY INJUNCTION

) Date: July 8, 2022
)) Time: 9:00 AM
)) Courtroom: 5

1 **DECLARATION OF RUSSELL DAVIS IN REPLY**

2 I, Russell Davis, declare as follows:

3 1. I am the attorney of record in the above matter. I have personal knowledge of the
4 facts in this matter, and if called to testify about them, I would and could do so competently.

5 2. Attached as Exhibit 1 herein is a true and correct copy of the report from the *Star*
6 *Democrat* newspaper quoting Dr. Rochelle Walensky on vaccine transmission.

7 3. Attached as Exhibit 2 herein is a true and correct copy of a National Geographic
8 article about the origin of COVID-19 vaccines and fetal cell lines.

9 I declare under penalty of perjury under the laws of the State of California that the above is
10 true and correct.

11 Executed this 10th day of June 2022, in San Francisco, California.

12 _____
13 /s/ Russell Davis
14 Russell Davis, Esq.
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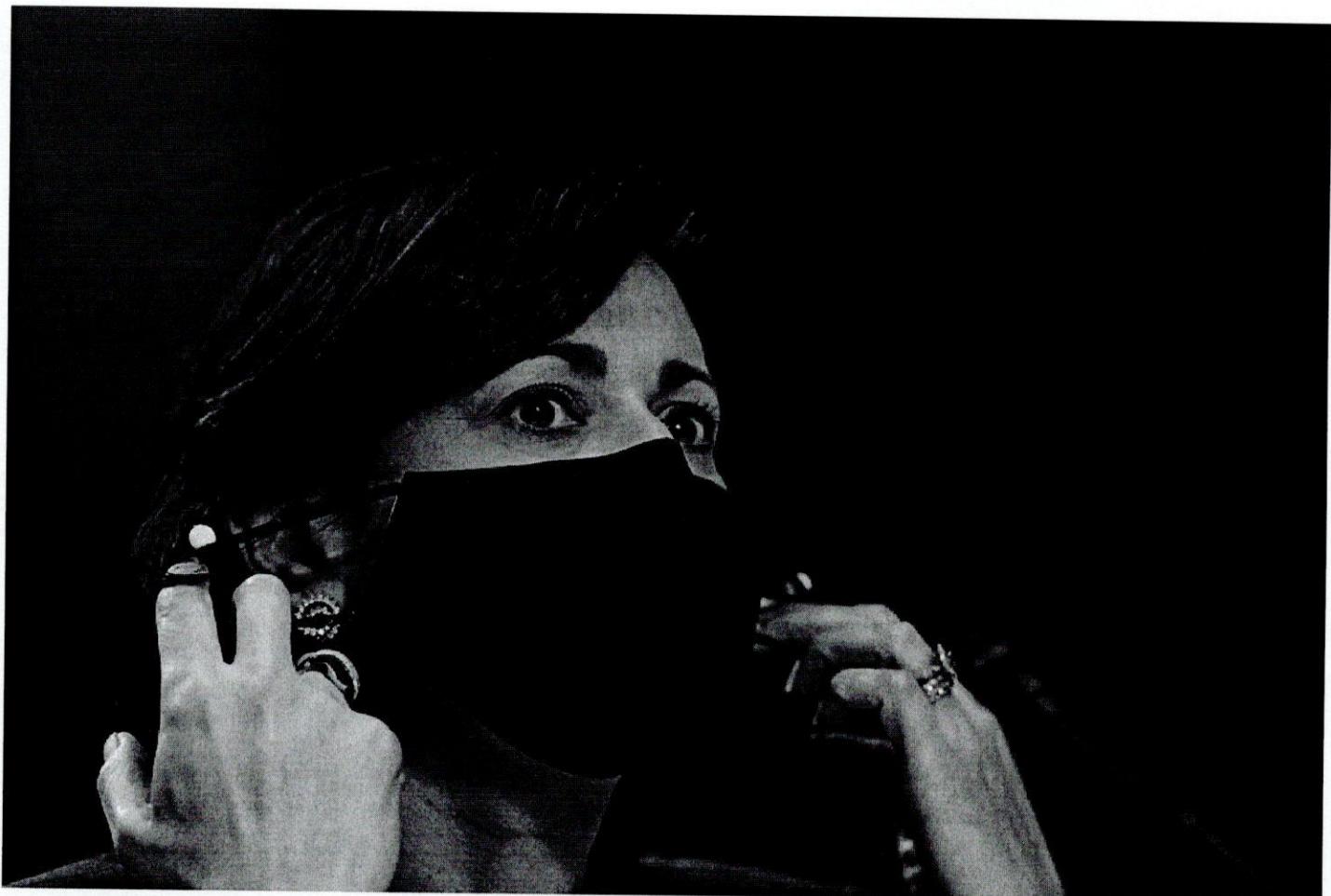
Exhibit 1

https://www.stardem.com/news/national/cdc-covid-vaccines-won-t-stop-transmission-fully-vaccinated-can-still-get-spread-delta-strain/article_5f83docb-8boa-535d-bbad-3f571754e5ae.html

FEATURED

CDC: COVID vaccines won't stop transmission; Fully vaccinated can still get, spread Delta strain

Aug 5, 2021



Dr. Rochelle Walensky, director of the Centers for Disease Control and Prevention, adjusts her face mask during a Senate Health, Education, Labor and Pensions Committee hearing on the federal coronavirus response on Capitol Hill in Washington, in this Thursday, March 18, 2021.

AP Photo/Susan Walsh, Pool, File

WASHINGTON — COVID-19 vaccine will not stop transmission of the virus, U.S. Centers for Disease Control Rochelle Walensky said Thursday.

"Our vaccines are working exceptionally well," Walensky told CNN in an interview on Thursday, Aug. 5. "They continue to work well for Delta, with regard to severe illness and death – they prevent it. But what they can't do anymore is prevent transmission."

Walensky said fully vaccinated persons can still get COVID and transmit it to others. The CDC director's comments about coronavirus vaccines come as the Delta variant of the virus accounts for the majority of new cases and has resulted in new hotspots in Florida, Texas and Louisiana.

Dr. Jinlene Chan, Maryland's deputy state health secretary, also said Thursday that there are indications that fully vaccinated persons "who may be infected with delta and who may then be able to infect others."

The Delta strain of COVID and slowing vaccination rates have prompted some employers mandating vaccines for their workers, government vaccine mandates for health care workers, military personnel and federal workers and some renewed indoor mask mandates — including for the fully vaccinated.

New York City is adopting vaccine passports requiring proof of shots to get into restaurants, concerts and other venues. Those mirror vaccine passes being imposed in European countries as concerns about the Delta and other potential variants drive fresh mandates and restrictions.

Walensky, other government health officials and elected officials such as Maryland Gov. Larry Hogan are stressing the vaccines can lessen the impacts of COVID.

"This virus thrives in places that are not equipped to counter it and that is why the amount of transmission right now is occurring by and large in those who are unvaccinated," Walensky said

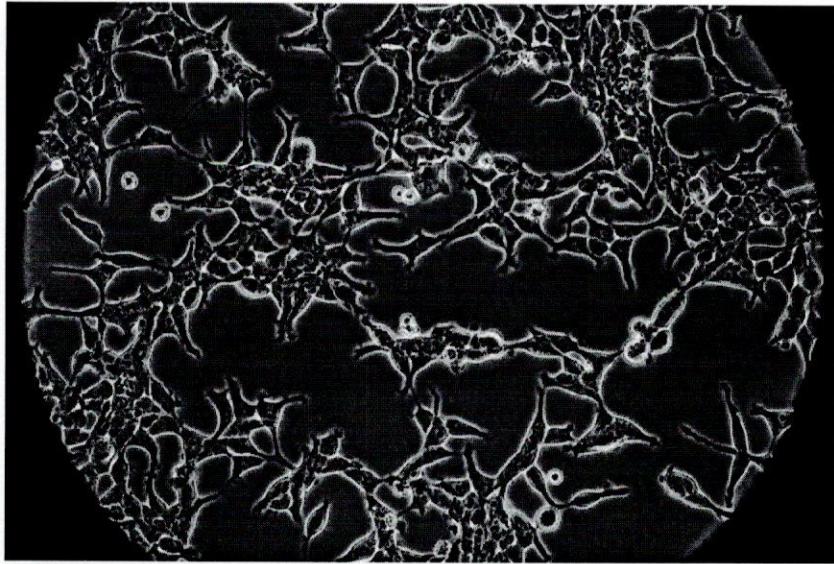
Hogan — who criticized the unvaccinated during a Thursday press briefing — said the vaccine helps prevent greater spread and more serious reactions to COVID.

“There is nothing more effective at saving lives and keeping people out of the hospital than the vaccines, which are doing exactly what they were designed to do, which is preventing serious illness, hospitalizations, and death. If you are among the nearly 78 percent of Maryland adults who have been vaccinated, your chances of getting sick and hospitalized are extremely low, and your chances of dying are almost nonexistent,” Hogan said referring to state residents who have received at least one shot.

State health officials said Thursday there have been 53 COVID deaths from Marylanders who have been fully vaccinated since January — accounting for 3.7% of deaths linked to the virus.

Exhibit 2

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Several clusters of Human Embryonic Kidney 293 cells in culture. These cells are a standard tool in biomedical research and drug development.

IMAGE BY GERMAN101, GETTY

SCIENCE **CORONAVIRUS COVERAGE**

Here are the facts about fetal cell lines and COVID-19 vaccines

As more people apply for religious exemptions to

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PUBLISHED NOVEMBER • 8 MIN
19, 2021 READ

In the wake of federal vaccine mandates in the U.S., debate has erupted over the waves of fire fighters, police staff, and other workers who have applied for religious exemptions to getting their COVID-19 shots. The number of applications is likely to spike as the January 4 vaccination deadline nears for large private businesses and some healthcare facilities. And one common reason people give for religious exemptions is the link between vaccines and human fetal cells.

It's true that such cells have been used either in the testing or development and production of COVID-19 vaccines. The cells are grown in a laboratory and were derived from a few elective abortions performed more than three decades ago. These same cell lines are also used to test and advance our understanding of several routine drugs, including acetaminophen, ibuprofen, and aspirin, and they continue to be used for treatment research in diseases such as Alzheimer's and hypertension.

“So many people don’t realize how important fetal cell lines are to develop life-saving medicines and

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